

STATE OF CALIFORNIA
DEPARTMENT OF MOTOR VEHICLES

VEHICLE INDUSTRY NEWS

VIN 2000-17

Subject : 2000 Legislation

Background

This is a brief summary of the 2000 Legislation which will impact the Department of Motor Vehicles' (DMV) operations. All changes become effective January 1, 2001, unless otherwise stated. Many of the programs are under development.

This is not a complete report of all of the 2000 legislative bills

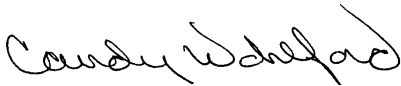
Distribution

This memo was distributed in December 2000 to the following:

- Dealers
- Dismantlers
- Registration Services

Contact

- Your local DMV field office regarding questions on processing transactions.
- The DMV Customer Communications Section at (916) 657-6560 for further clarification of this memo. Upon request, this document can be produced in Braille or large print



CANDY WOHLFORD, Deputy Director
Communication Programs Division

Administration (Driver License)

Vehicle Code Reference and/or Subject	Comments on Changes
Section 1674	Requires the DMV to develop a program to foster a positive atmosphere that is conducive to encouraging drivers to succeed in passing any visual tests or written or behind-the-wheel driving tests administered by the DMV.
Section 1674.2	Requires the DMV to prepare a report listing all restricted drivers licenses issued during the 2001 calendar year, as specified, and requires DMV to submit the report to the Legislature on or before January 31, 2002.

Driver License

Vehicle Code Reference and/or Subject	Comments on Changes
Section 12805	Prohibits DMV from issuing a new or renewal drivers license to any person with a corrected visual acuity of 20/200, or worse. No person may use bioptic telescopic or similar lens to meet the visual acuity standard.
Section 12808	Requires the DMV, before issuing or renewing a drivers license, to check the applicants record for the following: <ol style="list-style-type: none"> 1) reports issued by a physician indicating lapse of consciousness on part of the applicant (Health & Safety Code Section 103900). 2) reports issued by law enforcement indicating the applicant is incapable of operating a motor vehicle (Vehicle Code Section 21061). 3) reports by certain family members based on a good faith and reasonable belief that the applicant cannot safely operate a motor vehicle.
Section 12814.1	Requires the DMV to study the effects of physical conditions, ailments and other factors on the ability to safely operate a motor vehicle and report to the legislature by July 15, 2001.
Examination Section 12818	The DMV must reexamine a person's qualification to operate a motor vehicle when a report from a law enforcement officer indicating the applicant is incapable of operating a motor vehicle is issued or when a report by a physician indicating lapse of consciousness by the applicant is issued.
Driving Under the Influence (DUI): Under 21 Section 23502	Requires persons between the ages of 18 and 21 convicted of a first violation of DUI to, in addition to other penalties, complete the educational component of the DUI program, and requires completion of the entire program in the event of a second violation. Further, the DMV may not reinstate the drivers license until it receives proof of program completion.

Driver License

Vehicle Code Reference and/or Subject	Comments on Changes
Low Cost Insurance	Modifies the qualifying requirements for persons who purchase low cost insurance in the pilot areas of Los Angeles and San Francisco counties, to include drivers who otherwise meet the income and licensing requirements but whose driving history was obtained outside of the United States or Canada.
Road Rage	<p>Provides for a drivers license suspension for operators of motor vehicles convicted of specified assault offenses if the offense occurs on a street. Specifically, this bill:</p> <ol style="list-style-type: none"> 1. Allows a court to suspend the driving privilege of any operator of a motor vehicle who commits an assault on an operator or passenger of another motor vehicle, an operator of a bicycle, or a pedestrian when the offense occurs on a highway. 2. The suspension period for this type of assault, commonly known as "road rage," shall be six months for a first offense and one year for a second or subsequent offense. 3. The suspension action shall commence, at the discretion of the court, either upon the person's confinement or imprisonment, or upon the person's release from confinement or imprisonment. 4. The court may, in lieu of or in addition to the suspension of the driving privilege, order a person to complete a court-approved anger management or "road rage" course, prior to reinstatement of the person's driving privilege.
Sanctions for Providing False Evidence of Financial Responsibility	<p>Extends and modifies the proof of financial responsibility requirements when renewing a vehicle registration, as follows:</p> <ol style="list-style-type: none"> 1. Deletes the January 1, 2000, sunset on the requirement that a vehicle owner show proof of financial responsibility to both the DMV before registration is renewed and to a peace officer upon demand. 2. Allows the DMV to suspend, cancel, or revoke the registration if the department finds out the proof of financial responsibility submitted by a vehicle owner is false or has subsequently been cancelled. 3. Reduces fines imposed on motorists without insurance and specifies this bill becomes operative only if an unspecified Senate bill establishing a low-cost auto liability insurance policy is enacted.
School Zone	Increases a school zone to 500 feet from the school when children are present and going to and from school.

Driver License

Vehicle Code Reference and/or Subject	Comments on Changes
Tow Truck Drivers	<p>Increases penalties imposed on operators of tow trucks and repair shops who establish, via some form of “kickback” or other payment, a mutually exclusive arrangement whereby they both financially benefit by taking charge of a motorist’s disabled vehicle. Specifically, this bill:</p> <ol style="list-style-type: none">1) Makes a first conviction, already a misdemeanor, punishable by up to \$5,000 fine, up to a six-month jail sentence (same as current law), suspension, at the court’s discretion, of the offender’s driving privilege for four months, and tow truck impoundment for up to 15 days.2) Makes a second or subsequent conviction punishable by a maximum \$10,000 fine, a maximum one-year jail sentence, suspension, at the court’s discretion, of the offender’s driving privilege for one year, and impound of the tow truck for 15 to 30 days.

Vehicle Registration and Certificates of Title

Vehicle Code Reference and/or Subject	Comments on Changes
Declared Combined Gross Weight Section 288	Defines “declared combined gross weight” as equal to the total unladen weight of the combination of vehicles plus the heaviest load that will be transported by that combination of vehicles.
Declared Gross Vehicle Weight Section 289	Defines “declared gross vehicle weight” as the weight that equals the total unladen weight of the vehicle plus the heaviest load that will be transported on the vehicle.
Gross Vehicle Weight Rating Section 390 to Section 350	Defines “gross vehicle weight rating” (GVWR) as the weight specified by the manufacturer as the loaded weight of a single vehicle.
Trailer Identification Plate Program Section 468	Requires the DMV to commence the “permanent trailer identification plate program,” on or after December 31, 2001, and authorizes the DMV to designate the method, consistent with the Vehicle Code, to be used by specified trailers to receive an assigned permanent trailer identification plate.
Registration Required Section 4000 (Operative December 31, 2001)	Adds vehicles registered under the Permanent Trailer Identification Program to those prohibited from being driven, moved or left standing upon a highway or in an off-street public parking facility unless currently registered.
Registration of Commercial Motor Vehicles Exceeding 10,000 lbs. DG VW Section 4000.6 (Operative December 31, 2001)	Provides that any commercial motor vehicle with a declared combined gross vehicle weight exceeding 10,000 lbs. is subject to the weight fees specified in VC 9400.1; requires vehicle owners to declare the combined gross weight of all units at the time of registration; and allows for the inspection or weighing of the vehicle and a review of the registration documents by a peace officer. This section does not apply to pickup trucks or any commercial motor vehicle or combination that does not exceed 10,000 lbs. gross vehicle weight.
Foreign Commercial Vehicle: Temporary Operations Section 4004 (Operative December 31, 2001)	Provides that only commercial motor vehicles registered in a foreign jurisdiction may be issued a trip permit or temporary registration and provides that a trailer or semitrailer which enters California without a valid license plate is subject to full identification fees.
Application for Commercial Vehicle Section 4150.1	Allows for the use of a single form to certify and report the declared gross vehicle weight of multiple vehicles of like declared gross vehicle weight.
Both Plates Lost or Stolen Section 4458	Adds Permanent Trailer Identification plates to the provision requiring immediate notification to law enforcement and replacement if a plate is lost or stolen .

Vehicle Registration and Certificates of Title

Vehicle Code Reference and/or Subject	Comments on Changes
Special Series Plates Section 5000	Specifies that identification plates issued to trailers and semitrailers and license plates issued to vehicles subject to VC 9400.1 be distinctive from other types of plates and that vehicles subject to VC 5014.1 be issued distinctive permanent identification plates.
Identification Plate Section 5011 (Operative December 31, 2001)	Requires trailers and semi-trailers to display an identification plate.
Identification Plate Application by Person Other Than Manufacturer or Dealer Section 5014	Removes “tow dolly” from this Vehicle Code section.
Permanent Trailer Identification Plate Section 5014.1 (Operative December 31, 2001)	Provides that specified trailers, including tow dollies, be assigned permanent trailer identification plates and an identification certificate; provides for the assessment of a service fee upon the assignment and renewal of a permanent trailer identification plate; and provides for the renewal of permanent trailer identification plates every five years commencing in 2007.
Time for Application Section 5015 (Operative December 31, 2001)	Requires that application for a permanent trailer identification plate be made prior to the vehicle being moved, towed or left standing on any highway or off-street public parking facility.
Identification Plates and Cards Section 5016 (Operative December 31, 2001)	Requires the DMV to issue a permanent trailer identification plate upon proper application and payment of fees.
Display of Identification Plates: Carrying of Identification Card Section 5017 (Operative December 31, 2001)	Provides that all trailers may be issued a single permanent trailer identification plate to be properly attached to the vehicle for which issued; provides for an identification certificate to be issued and specifies the information to be contained on the certificate; and provides for the assessment of a \$7 service fee upon a transfer of ownership of a trailer.
Application for Environmental License Plates Section 5101	Provides for the issuance of environmental license plates to motorcycles.
Environmental License Plates: Defined Section 5103	Revises the definition of an environmental license plate to include motorcycles.

Vehicle Registration and Certificates of Title

Vehicle Code Reference and/or Subject	Comments on Changes
Additional Fees Section 5106 (Operative December 31, 2001)	Provides for the collection of the additional environmental license plate fees for those vehicles under the permanent trailer identification program displaying environmental license plates.
Transfer Fee Section 5108 (Operative December 31, 2001)	Provides for the transfer of environmental license plates to commercial trailers and semitrailers.
Registration Tabs Section 5204 (Operative December 31, 2001)	Changes the reference to weight from “unladen” to “declared gross vehicle weight” and adds vehicles under the Permanent Trailer Identification Program to those which are not required to obtain month/year tabs.
Fleet Registration Section 5301 (Operative December 31, 2001)	Removes references to trailers, reduces the number of motor vehicles needed to be considered a fleet and which are necessary for permanent fleet registration program to continue to count trailers to qualify as a fleet until January 1, 2007. Requires that five years after the implementation of the Permanent Trailer Identification Program, all participants in the permanent fleet registration program must meet the new requirements to continue to be enrolled in the permanent fleet registration program.
Fleet Eligibility Section 5302 (Operative December 31, 2001)	Removes references to trailers.
Permanent Fleet Registration: Service Fee Section 5305 (Operative December 31, 2001)	Provides that the \$1 service fee is applicable only to motor vehicles and removes the reference to the \$2 service fee for IRP commercial trailers.
Application for Transfer Section 5902 (Operative December 31, 2001)	Provides that the required declarations as to an owner’s awareness of the CHP’s safety regulations and declared gross vehicle weight may be made by the registered owner, lessee or designee. Requires an application for the transfer of commercial motor vehicles that exceed 10,000 lbs. declared gross vehicle weight to include a notification by the new owner of the declared gross vehicle weight.
Utility Trailers Section 6851 (Operative December 31, 2001)	Repeals this section of the Vehicle Code pertaining to owners who lease or rent utility trailers for use in California.
Utility Trailers: Special License Plates Section 6851.5 (Operative December 31, 2001)	Repeals this section of the Vehicle Code that allowed for the registration and issuance of license plates for fleets of utility trailers.

Vehicle Registration and Certificates of Title

Vehicle Code Reference and/or Subject	Comments on Changes
Reciprocity Agreements Section 8000	Adds the DMV to those entities which may enter into agreements that provide for the exemption of regulatory fees.
Transfer of Fleet Ownership Section 8054	Removes weight fees from those fees that are not to be reassessed upon a transfer of ownership; requires the new owner to certify the declared gross vehicle weight; and allows DMV to reassess the weight fee on a prorated basis if the declared gross vehicle weight has increased.
Service Fee for Abandoned Vehicle Trust Fund Section 9250.7 (Operative December 31, 2001)	Removes trailers and semitrailers from this fee assessment and, upon implementation of the Permanent Trailer Identification Program, assesses an additional \$2 fee on all commercial motor vehicles.
Fee for Law Enforcement Section 9250.8 (Operative December 31, 2001)	Removes trailers and semitrailers from this fee assessment and, upon implementation of the Permanent Trailer Identification Program, assesses an additional \$2 fee on all commercial motor vehicles.
Cargo Theft	<p>Removes from the Motor Carriers of Property Permit Fee Act the authority to collect Cargo Theft Interdiction Program (CTIP) fees. Instead, the bill imposes a \$3 fee on each commercial vehicle required to pay annual weight fees, with specified exemptions. Specifically, this bill:</p> <ol style="list-style-type: none"> 1. Imposes a \$3 CTIP fee on all commercial vehicles of two axles or more at the time of registration and renewal of registration. 2. <i>Exempts</i> from this fee vehicles that are used to transport persons for hire, pickup trucks, and utility trailers. 3. Deletes the requirement that all motor carriers of property pay a CTIP fee of up to \$260 per fleet.
Dealer Advertising	Requires vehicle dealer to include in a newspaper advertisement of a vehicle for sale that certain charges (use tax, registration fees, etc.) will be added to the advertised total price. This also applies to advertisements in magazines, direct mail publications, circulars, handbills, and advertisements on any screen of a lessor-retailer's or dealer's Internet website that displays the price of a vehicle offered for sale.

Vehicle Registration and Certificates of Title

Vehicle Code Reference and/or Subject	Comments on Changes
Disabled Person Parking Placards	<p>This bill makes a number of changes designed to discourage the illegal use of disabled person parking placards. This bill asks the DMV to:</p> <ol style="list-style-type: none"> 1. Strengthen the disabled person license plate and placard application and certification process, and review existing policies governing the investigation of placard misuse and fraud. This would be done in cooperation with the Medical Board of California, the Department of Rehabilitation, and the Department of Aging. 2. Update disabled person license plate and placard forms and program publications to ensure that applicants are aware of their rights and responsibilities, as well as the penalties associated with placard abuse. 3. Update the driver handbook and written exams to provide information about the appropriate use of parking spaces for the disabled and the penalties for illegal parking. 4. It also authorizes the department to conduct an annual random audit of applications submitted.
Financial Responsibility	<p>Expands the list of documents that the department may accept as proof of financial responsibility when registering a vehicle. This bill allows insurance companies to use their own forms when approved by the department. This bill allows nonprofit, tax-exempt, charitable organizations to be financially responsible through a charitable risk pools. This bill also requires dealers to provide a notice to the buyer that insurance sold at the time of purchase may not meet liability insurance requirements, not allow the buyer to legally drive in California.</p>
Gag Orders	<p>Prohibits any dealer or lienholder who re-acquires a salvaged or flood-damaged vehicle from prohibiting the buyer from disclosing those problems either as a condition of the dealer's re-acquisition or as part of any separate agreement. It makes null and void any such confidentiality or "gag" clause that a dealer or lienholder might otherwise require of a buyer.</p>
Motor Vehicle Warranties	<p>Expands the provisions of the lemon law (Tanner Consumer Protection Act) to include new motor vehicles bought or used primarily for <i>business/commercial</i> purposes, as specified.</p>
Nonresident Daily Commuter	<p>Authorizes a nonresident daily commuter to lawfully operate a vehicle in this state for purposes unrelated to daily business commuting. The intent is to clarify existing law; it does not change residency requirements which would otherwise require California vehicle registration.</p>

Vehicle Registration and Certificates of Title

Vehicle Code Reference and/or Subject	Comments on Changes
Smog Impact Fee Refunds	<ul style="list-style-type: none"> • This authorizes the department to refund smog impact fees with interest paid between 1990 and 1999. • The bill also creates the Smog Impact Fee Refund Account in the State Transportation Fund. • Repeals existing provisions imposing smog impact fees on vehicles previously registered out-of-state. Provides funds for issuing the smog impact fee refunds.
Special Plates	<p>Breast Cancer Research Special Plates</p> <ul style="list-style-type: none"> • Authorizes, until January 1, 2003, a new special license for Breast Cancer Research. • The organization is required to obtain 7,500 paid applications before the plate will be created and issued. • The money would be used by the Department of Health Services to award grants to fund breast cancer treatment for uninsured or underinsured low-income persons. <p>Girl Scout Special Plates</p> <ul style="list-style-type: none"> • Authorizes a new special license plate displaying the logo of the Girl Scouts of the United States of America. The department, in consultation with the Girl Scout Councils of California will design the special interest license plate. • The Girl Scout Councils of California are required to obtain 7,500 paid applications before the plates will be created and issued. <p>Motorcycle Special Plates</p> <p>Establishes specific criteria for the size and dimensions of motorcycle license plates, including the size and spacing of license numbers.</p> <ul style="list-style-type: none"> • Prohibits the department from approving a license plate design containing full or partial graphics if the plate numbers would be difficult to read. • Prohibits the use of “symbols” on a motorcycle license plate.

Vehicle Registration and Certificates of Title

Vehicle Code Reference and/or Subject	Comments on Changes
Special Plates (continued)	<p>Rotary International Special Plates</p> <ul style="list-style-type: none"> • Authorizes a new special license plate containing the words “Service Above Self” and the emblem of Rotary International. The department, in consultation with the Rotary International Foundation, will design the special interest license plate. • The Rotary International Foundation must obtain 7,500 paid applications before the plates will be created and issued. • The funds collected for the Rotary International Foundation will be used for educational, international outreach, community service, and humanitarian purposes. <p>Special Interest License Plate Standards</p> <ol style="list-style-type: none"> 1) Changes the process involved in the authorization and issuance of special interest license plates. Specifically, this bill: 2) Requires legislative authorization for a special interest group to sponsor a new license plate program. 3) Requires that the sponsoring group be a non-profit organization. 4) Requires that a sponsoring organization collect, within 12 months of the effective date of the enabling legislation for its plate, at least 7,500 paid applications. If, after 12 months, the 7,500 applications have not been received, the applications must be returned unless all applicants are notified that the organization intends to pursue collections of applications and fees for up to 12 additional months. 5) Allows DMV to discontinue special interest plates when an organization reports that it has expended more than 25% of the funds it receives from its special interest license plate on administration, marketing, and promotion. Requires every special plate organization to report annually to the DMV on the revenues and expenditures. 6) Permits special interest license plates on motorcycles.

Transportation Omnibus Issues

Vehicle Code Reference and/or Subject	Comments on Changes
Registration Services Section 505.2	Removes a person who performs registration services for permanent fleet registration and international registration plan vehicle owners from those exempted from the definition of “registration service.”
Financial Responsibility Section 1656.2	Updates the summary required to be prepared and published by the DMV describing the penalties for noncompliance with provisions relating to the state’s compulsory financial responsibility law.
Court Clerk Reporting Section 1803	Excludes violations while operating a motorized scooter from the requirement that court clerks report Vehicle Code violations to the DMV.
Employee Pull Notice Program Section 1808.1	Allows all employers enrolled in the Employer Pull-Notice program to obtain driving records of their drivers every 12 months instead of every 6 months.
Transportation Section 2408.5	Requires the CHP to compile traffic collision data on vehicle combinations that include any motor vehicle over 4,000 pounds unladen which tows a recreational boat trailer resulting in a gross combination weight rating of 26,000 pounds or less.
Drivers License Section 12512	Current law provides for the issuance of junior permits and provisional drivers licenses for persons under the age of 18. This section expressly prohibits, except for the permits and license described above, the issuance of a drivers license to a person under the age of 18 years.
Identification Cards Section 13000.1	<p>The DMV may refuse to issue or renew an identification card to any person because:</p> <ol style="list-style-type: none"> 1) the person knowingly used a false or fictitious name in any application. 2) the person has impersonated another in making an application. 3) the person has knowingly concealed a material fact or otherwise committed fraud. <p>The DMV may declare an identification card invalid based on any of the above reasons and require the holder of such card to surrender it to the DMV.</p>
Drivers License: Fees Section 14900	Clarifies that the fee for the issuance of an original 4-year class C or M drivers license is \$12.00.
Drivers License: Fees Section 14900.1	Clarifies that the fee for the 5-year renewal of a class C or M driver’s license or for a change in vehicle class is \$15.00.
Railroad Crossing Section 22451	Prohibits pedestrians, as well as vehicles, from crossing a railroad or rail transit-crossing gate while the gate is closed.

Transportation Omnibus Issues

Vehicle Code Reference and/or Subject	Comments on Changes
Household Goods Carriers Section 34505.6	Makes provisions requiring the CHP to recommend that the Public Utilities Commission suspend or revoke the permit of a household goods carrier, or for interstate operators, to recommend to the federal Highway Administration Office of Motor Carriers that appropriate administrative action be taken against a carrier applicable to household goods carriers transporting used office, store, or institution furniture and fixtures under its household goods carrier permit issued under specified provisions of the Public Utilities Code. The CHP makes these recommendations when the carrier has failed to maintain any pertinent vehicle in a safe operating condition or to comply with regulations relative to motor carrier safety, as specified, failed to enroll all drivers in a required pull-notice system, or failed to submit any application or pay any fees as required.
Vehicle Lengths Section 35401.3	Includes the transport of camp trailers in the exemptions where a combination of vehicles designed and used to transport motor vehicles or boats that consists of a motortruck and a stinger-steered semitrailer, is authorized to exceed the general 65 foot total length limitation up to 70 feet, or 75 feet under certain conditions.
Vehicle Lengths Section 35401.5	Includes the transport of camp trailers in the exemption where a combination of vehicles consisting of a motortruck and semitrailer (less than 53 feet in length), used solely for transporting motor vehicles or boats on certain federal highways or on routes identified by Caltrans or local authorities, is authorized to exceed the general 65 foot total length limitation up to 70 feet or 75 feet under certain conditions.
Extensions Section 35402	Clarifies that the 18-inch extension authorized on the last trailer in a combination of vehicles transporting loads is permitted on highways designated as national network routes.
Optional Appearance Section 40303	This section adds a violation of operating a motorized scooter while under the influence of an alcoholic beverage or any drug to that list of certain offenses.
Refund Application Section 42232	Changes existing law by deleting the requirement that an application for a refund from the DMV be in writing. Now, refund applications will be in a format prescribed by DMV.

Occupational Licensing

Vehicle Code Reference and/or Subject	Comments on Changes
Driving Schools and Traffic Violator Schools	<p>Specifically, this bill:</p> <ol style="list-style-type: none">1. Requires that a <i>driving school operator</i> be at least 21 years of age and has provided at least 2000 hours of behind-the-wheel instruction at another licensed California driving school.2. Requires <i>driving instructors</i> to be 21 years of age.3. Requires that a <i>traffic violator school operator</i> be at least 21 years of age and requires that the operator has worked as an instructor for a license driving school.4. Requires that vehicles used by a driving school for training drivers must be equipped with an additional foot brake on the passenger side of the front floor and a rearview mirror on the passenger side of the windshield.5. Requires that a driving school owner file a \$10,000 (previously 2,000), bond with DMV to cover any monetary loss by students.6. Authorizes DMV to immediately suspend the license of any driving school for alleged violations. DMV shall conduct a hearing of the alleged violation within 30 days of the suspension.

Records Access & Confidentiality

Vehicle Code Reference and/or Subject	Comments on Changes
Confidential Address Program	Adds “victims of stalking” to the <i>California Confidential Address Program</i> maintained by Secretary of State. This program is currently available only to a limited number of domestic violence victims. Clarifies that the DMV shall have access to the residence address information in the Secretary of State’s files in order to meet several statutorily required notification and service requirements.
Privacy	Establishes the <i>Office of Privacy Protection</i> within the Department of Consumer Affairs for the purpose of protecting the personal information of individuals. This bill: <ol style="list-style-type: none"> 1. Identifies consumer problems and facilitates development of fair information practices. 2. Informs the public of potential options for protecting the privacy of, and avoiding the misuse of, personal information. 3. Makes recommendations to organizations regarding the development of privacy policies.
Victims of Stalking	Changes the criteria for a person who is a victim of stalking or at threat of death or great bodily injury to have his or her Department of Motor Vehicles (DMV) record suppressed. Specifically, this bill: <ol style="list-style-type: none"> 1. Permits a person to submit a signed letter to DMV detailing the circumstances that present reasonable cause to believe that the person is a victim of stalking, as defined, or is a person for whom there exists a threat of death or great bodily injury, as defined. Such a person may, but is not required to, submit with the letter supporting police reports, court documentation, or other documentation from a law enforcement agency. 2. Permits a person to renew, after one year, the suppression of his or her DMV record by again submitting a letter detailing the circumstances that present reasonable cause to believe that the person is a victim of stalking, as defined, or is a person for whom there exists a threat of death or great bodily injury, as defined.